SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
ROADS & BRIDGES DEPARTMENT
GANGTOK.

No.272/GOS/R&B **Dated: 6.11.2008**

NOTIFICATION

In exercise of the powers conferred by section 5 of the Sikkim District Based Entrepreneurs and Professionals Incentive, Development and Promotional Act, 2008, (10 of 2008) the State Government hereby makes the following rules, namely:-

Short title extent and Commencement

1 (1.) This rules may be called the Sikkim District Based Entrepreneurs and Professionals Incentive Development and Promotional Rules 2008.

(2.) It extends to the whole of Sikkim.

(3.) It shall come into force on such dates as the State Government may by notification in the Official Gazette appoint.

Definitions

2. In this rules, unless the context otherwise Requires:-

(a) "Act" means the Sikkim District Based Entrepreneurs and Professionals Incentive, "Development and Promotional Act, 2008;

(b) "Authority" means the Roads and Bridges Department, Government of Sikkim and/or any other Government Department designated as such by the Competent Authority and such officer as may be appointed in this behalf;

(c) "Competent Authority" means the State Government of Sikkim.

(d) "Contractor/Entrepreneurs" means and includes an entrepreneur as defined in the Act.

(e) "Designated authority" means such officer as may be designated and appointed under the provision of sub-section (1) of the section 4 of the Act.

Eligibility Criteria

3. (1) In all works or projects involving an amount not exceeding the amount specified in terms of Notification issued under sub-section (1) of the section 3 of the Act, to avail the benefit of the provisions of the Act, Contractor or Entrepreneur must produce the proof of being a District Based Entrepreneur and shall furnish the following namely:

(a) Sikkim Subject Certificate/Certificate of Identification.

(b) Proof of being an ordinary resident of the district.

(Explanation:- A person shall be deemed to have been an ordinarily resident of the district with reference to his Sikkim Subject Certificate or Certificate of Identification.

(c) Proof of execution of projects in the district, if any.
(d) Enlistment Certificate of the Contractor/Entrepreneur issued by the authority.
(e) Income Tax Clearance Certificate, if any.
(f) No Objection Certificate from Labour Department Government of Sikkim.
(g) Any other relevant documents, if any.

(2) No contractor/entrepreneur shall be eligible to enjoy price/call advantage/ consideration in the matter of incentives under the provision of the Act and rules framed thereunder for more than one district and such incentive shall be confined only in respect of the district of which he/she is a ordinarily resident.

Explanation-I:
Price/call advantage/consideration shall be constructed to authorize the authority to accept the tender submitted by a district based contractor/ entrepreneur at a rate above the estimated cost upto such extent as provided under law subject to it being found otherwise eligible and technically sound.

Explanation-II:
Where two or more district based contractor entrepreneurs has quoted a rate within the permitted range but above the estimated cost or where one or more district based contractor/entrepreneur have quoted rate and one the rate is found lowest and below the estimated cost, the authority in deciding to accept the tender in such cases must have regard to technical soundness or viability of the rate quoted.

(3) The competent authority shall be issue of Office Memorandum/Notification indicate clearly the eligibility of contractor/entrepreneur with regard to the value or extend of the work, the authority for processing the call of tenders, mode of opening of tenders, mode of acceptance of tenders, technical sanctioning authority, conclusion of the agreement and passing of the bills.

(4) While opening and accepting tenders such opening and acceptance for all district-based entrepreneurs/professionals/contractors etc. shall be made in terms of the provisions of the Act and the rules framed thereunder.

Function of the Designated authority.

4. (1) The designated authority appointed under sub-section (1) of the section 4 of the Act shall perform the following function, namely:-
(1) He shall maintain a record of incentive given in respect of each project/work.
(2) Such record shall be maintained for each of the district separately.
(3) He shall enquire into complaint of denial of incentive, if any. All such complaint shall be enquired and the report submitted within seven days to the Competent Authority.

Processing of Tender/bid

5. (1) On receipt of the tender or bid submitted in the office, it shall be categorized on the basis of status of each of the bid or tender submitted. Such categorization shall be with reference to documents submitted alongwith the tender or bid as required under sub-rule (1) of rule 3.

(2) The categorization shall clearly reflect as to whether the person or the contractor/ entrepreneur submitting the tender is a district based entrepreneur or not for the purpose of giving effect to the provisions of the Act and the rules framed thereunder.

(3) The extent of price/call advantage /consideration as provided in sub-section (3) of section 3 of the Act, if not further modified or substituted by any other notification shall be considered in relation to eligible contractor/entrepreneur submitting the tender and shall be decided accordingly provided that technical competence or capability shall not be compromised or lowered to affect the standard of work.

(4) The authority may prepare a list containing more than one contractor/entrepreneur and indicate the period to accept the bid approved within a stipulated period, which may not extend for more than three months. In the event of contractor/entrepreneur, whose name appears at serial no.1 of the list so prepared if fails to accept the work order or start executing the work of the project within the stipulated period, the work order may be cancelled without any further notice. The authority may thereafter deal with project/work in a manner as dealt with ordinarily as per the existing procedures prevailing.

(5) The tender shall be in the form presently in use for tender or bid as specified in the Sikkim Public Works Department Code and Manual with the additional information as required under the provisions of the Act and the rules framed there under in format as given in Schedule –I.

(6) Matters not provided under this rules may be dealt in a manner as per the rules provided in the Sikkim PWD Code and Manual.

SCHEDULE – I

FORM

(*Under sub-rule (5) of rule 1*)

1. Name of Entrepreneur/tenderer:
2. SSC/COI:
3. Proof of ordinarily resident:
4. Proof of execution of Project in the District, if any:
5. Enlistment Certificate:
6. Income Tax Clearance Certificate, if any:
7. NOC from Labour Department
8. Any other relevant documents, if any:

Name/Signature of the Tenderer.

Date:

G.P. Sharma
PCE-Cum-Secretary
Roads & Bridges Department.